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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,566	02/27/2002	Shigeru Nakagawa	112103	5893

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER	
KOPPIKAR, VIVEK D	
ART UNIT	**PAPER NUMBER**
3626	

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/083,566	NAKAGAWA ET AL.	
	Examiner	Art Unit	
	Vivek D. Koppikar	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of the Application

1. Claims 1-25 have been examined in this application. This is a Final Office Action in response to the "Amendment" and "Remarks" section filed on September 28, 2006.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The meaning of the following phrase is unclear: "the data relating to maintenance or management data comprising maintenance data including data on maintenance work that has been performed on the vehicle." Appropriate correction and/or clarification is required.

It is not clear why the term "maintenance" has been repeated twice in this phrase. Also, it is not clear whether this limitation is referring to maintenance work which is performed on the vehicle, such as when a vehicle is taken to a repair shop and maintenance work is performed on the vehicle, or whether this phrase means that the data processing steps are performed on the vehicle via an on-board processing apparatus.

For examination purpose, the examiner will interpret this phrase to mean that the data processing steps are performed on the vehicle via an on-board processing apparatus in light of the specification and the "Remarks" section filed on September 28, 2006.

As per claim 21, the phrase "the processor calculating insurance premiums based on data related to insurance premiums", is objected to. Appropriate correction and /or clarification is required. Insurance premiums cannot be calculated based on insurance premiums, they can however, be extrapolated from other insurance premiums.

For the purposes of examination, this claim will be interpreted to mean that insurance premiums are calculated based on raw data that is input into a processing system.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 1-2, 4-14, 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,797,134 to McMillan over US Patent Application Publication 2002/0111725 to Burge and in further view of US Patent Application Publication 2002/0016655 to Joao.

(A) As per claim 1, McMillan in view of Burge in view of Joao teaches a vehicle insurance premium calculation system (McMillan: Abstract) comprising:

usage status detection means for detecting usage status of a vehicle (McMillan: Col. 6, Ln. 43-54);

data input means for inputting data relating to maintenance or management of said vehicle (McMillan: Col. 6, Ln. 54-58); and

insurance premium calculation means for calculating vehicle insurance premium based on said inputted data and results of said detection (McMillan: Col. 10, Ln. 15-20).

McMillan does not teach the following feature which is taught in Burge (Section [0113]):

wherein the data (processing) has been performed on the vehicle.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of McMillan with the teachings from Burge with the motivation of ensuring that personal data is not transmitted (to unauthorized or undesired users), as recited in Burge (Section [0056]).

McMillan in view of Burge does not explicitly teach maintenance or management data, however, this feature is well known in the art as evidenced by Joao (Section [0106]). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of McMillan in view of Burge with the aforementioned teachings from Joao with the motivation of having a means of providing a more comprehensive database (information system) for insurance providers, as recited in Joao (Section [0013]).

(B) As per claim 2, McMillan further comprising display means for displaying data relating to said calculated insurance premium (McMillan: Col. 10, Ln. 41-44).

(C) As per claim 4, in McMillan the insurance premium calculation means calculates a vehicle insurance premium in real time in accordance with results of said detection and fluctuations in data relating to maintenance or management of said vehicle (McMillan: Col. 8, Ln. 26-31).

(D) As per claim 5, in McMillan the insurance premium calculation means calculates an expected vehicle insurance premium in accordance with results of said detection and fluctuations in data relating to maintenance or management of said vehicle (McMillan: Col. 6, Ln. 23-35).

(E) As per claim 6, in McMillan a vehicle insurance premium calculation system comprising an on-board apparatus, maintenance data management means, and a server apparatus (McMillan: Abstract and Figure 4):

wherein said on-board apparatus comprises:

usage status detection means for detecting usage status of a vehicle (McMillan: Col. 6, Ln. 50-54);

on-board sending means for sending at least data relating to said detected usage status (McMillan: Col. 6, Ln. 50-54);

on-board reception means for receiving at least data relating to insurance premiums (McMillan: Col. 10, Ln. 41-44); and

means for displaying said received data (McMillan: Col. 10, Ln. 41-44);

wherein said maintenance data management means comprises:

data input means for inputting at least data relating to maintenance or management of said vehicle (McMillan: Col. 6, Ln. 54-58); and

data sending means for sending at least data relating to maintenance or management of said vehicle (McMillan: Col. 6, Ln. 62-64); and

wherein said server apparatus comprises:

server side reception means for receiving data relating to said usage status and data relating to said maintenance or management of vehicle (McMillan: Figure 4 and Col. 6, Ln. 48-56);

insurance premium calculation means for calculating vehicle insurance premiums based on said received data (McMillan: Col. 10, Ln. 5-13); and

server side sending means for sending data relating to said calculated insurance premiums to said on-board apparatus (McMillan: Col. 10, Ln. 41-44).

McMillan does not teach the following features which are taught in Burge (Sections [0113], [0147] and [0195]):

wherein the data (processing) has been performed on the vehicle and the data relating to insurance premiums is viewable from a position inside the vehicle.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of McMillan with the teachings from Burge with the motivation of ensuring that personal data is not transmitted (to unauthorized or undesired users), as recited in Burge (Section [0056]).

McMillan in view of Burge does not explicitly teach maintenance or management data, however, this feature is well known in the art as evidenced by Joao (Section [0106]). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of McMillan in view of Burge with the aforementioned teachings from Joao with the motivation of having a means of providing a more comprehensive database (information system) for insurance providers, as recited in Joao (Section [0013]).

(F) As per claims 7-11, these claims repeat features previously addressed in the rejection of claims 1-2 and 4-6, above, and are rejected on the same basis.

(G) As per claim 12, in McMillan the insurance premium calculation step calculates a vehicle insurance premium in real time in accordance with results of said detection and fluctuations in data relating to maintenance or management of said vehicle (McMillan: Col. 8, Ln. 26-31).

(H) As per claim 13, this claim repeats features previously addressed in the rejection of claim 4 and is rejected on the same basis.

(I) As per claim 14, this claim repeats features previously addressed in the rejection of claim 6 and is rejected on the same basis.

(J) As per claim 16, McMillan teaches a vehicle insurance premium calculation system, comprising:

operation status detection means for detecting how a vehicle is operated by a driver (McMillan: Col. 9, Ln. 3-16);

status detection means for detecting passenger activation status of protection equipment for passengers (McMillan: Col. 9, Ln. 3-16);

insurance premium calculation means for calculating vehicle insurance premiums based on results of said detection (McMillan: Col. 10, Ln. 5-44); and

display means for displaying said calculated vehicle insurance premium for said driver (McMillan: Col. 10, Ln. 41-44).

McMillan does not teach the following feature which is taught in Burge (Section [0113]):

wherein the data (processing) has been performed on the vehicle.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of McMillan with the teachings from Burge with the motivation of ensuring that personal data is not transmitted (to unauthorized or undesired users), as recited in Burge (Section [0056]).

McMillan in view of Burge does not explicitly teach maintenance or management data, however, this feature is well known in the art as evidenced by Joao (Section [0106]). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of McMillan in view of Burge with the aforementioned teachings from Joao with the motivation of having a means of providing a more comprehensive database (information system) for insurance providers, as recited in Joao (Section [0013]).

(K) As per claims 17-20, these claim repeats features previously addressed in the rejection of claim 6 and are rejected on the same basis.

(L) As per claim 21, McMillan teaches an On-board apparatus, comprising:

a processor, the processor calculating insurance premiums based on data relating to insurance premiums (McMillan: Col. 6, Ln. 65-66 and Col. 10, Ln. 24-45);

a detector that detects usage status of a vehicle, connected to said processor (McMillan: Col. 6, Ln. 48-56);

a radio part that sends data from said detector or said processor, said radio part receiving data relating to insurance premiums, said radio part being connected to said processor (McMillan: Col. 6, Ln. 56-64);

a display connected to said processor (McMillan: Figure 4 and Col. 10, Ln. 41-44).

McMillan does not teach the following feature which is taught in Burge (Section [0113]):

wherein the data (processing) has been performed on the vehicle.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of McMillan with the teachings from Burge with the motivation of ensuring that personal data is not transmitted (to unauthorized or undesired users), as recited in Burge (Section [0056]).

McMillan in view of Burge does not explicitly teach maintenance or management data, however, this feature is well known in the art as evidenced by Joao (Section [0106]). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of McMillan in view of Burge with the aforementioned teachings from Joao with the motivation of having a means of providing a more comprehensive database (information system) for insurance providers, as recited in Joao (Section [0013]).

(M) As per claims 22-23 and 25, these claims repeat features previously addressed in the rejection of claims 6 and 21 and are rejected on the same basis.

(N) As per claim 24, the combined system of McMillan in view of Burge in view of Joao teaches a server that receives data relating to usage status of a vehicle and data relating to maintenance or management of the vehicle, comprising:

a processor that calculates vehicle insurance premiums based on said received data (McMillan: Col. 6, Ln. 65-66 and Col. 10, Ln. 24-45).

McMillan does not teach the following feature which is taught in Burge (Section [0113]):

wherein the data (processing) has been performed on the vehicle.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of McMillan with the teachings from Burge with the motivation of ensuring that personal data is not transmitted (to unauthorized or undesired users), as recited in Burge (Section [0056]).

McMillan in view of Burge does not teach the following feature which is taught by Joao:

a radio part that receives the data relating to the usage status of the vehicle and data relating to maintenance or management of said vehicle from a radio part on-board the vehicle, the data relating to maintenance or management data comprising maintenance data including data on maintenance work that has been performed on the vehicle and the radio part sending data relating to said calculated insurance premiums (Joao: Section [0150]).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of McMillan in view of Burge with the aforementioned teachings from Joao with the motivation of having a means of providing a more comprehensive database (information system) and processing system for insurance providers, as recited in Joao (Section [0013]).

McMillan in view of Burge does not explicitly teach maintenance or management data, however, this feature is well known in the art as evidenced by Joao (Section [0106]). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of McMillan in view of Burge with the aforementioned teachings from Joao with the motivation of having a means of

providing a more comprehensive database (information system) for insurance providers, as recited in Joao (Section [0013]).

6. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McMillan as applied to Claims 1 and 11, above, respectively, and in further view of US Patent Number 6,157,342 to Okude.

(A) As per claims 3 and 15, McMillan does not teach or suggest a voice output means for enabling voice output of data, however, this feature is well known in the art as evidenced by Okude (Col. 4, Ln. 49-67). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the method of McMillan with the aforementioned feature from Okude with the motivation of providing an additional means of communicating the insurance premium calculation to the user.

Response to Arguments

7. Applicant's arguments filed on September 28, 2006 with respect to the pending claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquire concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone numbers for this group are either (571) 273-8300 or (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,

Vivek Koppikar

11/14/2006

C. LUKE GILLIGAN
Primary PATENT EXAMINER